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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/022,915	12/20/2001	Debora Margaret Hejza Litwiller	D/A1689	2106

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EXAMINER

BROWN, VERNAL U

ART UNIT	PAPER NUMBER
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2635

3

DATE MAILED: 07/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/022,915

Applicant(s)

LITWILLER ET AL.

Examiner

Vernal U Brown

Art Unit

2635

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 December 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

The application of Debora Litwiller for Fixed Pin Array Identification Apparatus and Method filed December 20, 2001 has been examined. Claims 1-7 are pending.

Specification

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

The abstract of the disclosure is objected to because the abstract uses of the term "what is disclosed". This is implied and should be avoided. Correction is required. See MPEP § 608.01(b).

The disclosure is further objected to because the information regarding the co-pending applications is not completed on page 1. Appropriate correction is required.

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Art Unit: 2635

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 1-3, 5, and 7 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-6 of U.S. Patent No. 6696970. Although the conflicting claims are not identical, they are not patentably distinct from each other .

Regarding claim 1, Litwiller et al. (U.S Patent 6696970, claims 1) claimed an keying apparatus in communication with a primary device used for identification purposes prior to the primary device subsequently enabling additional functionality, said apparatus comprising:

- a) a base component having an array of pins affixed to at least one side thereof with each of said pins in communication with said primary device;
- b) at least one identifier having a plurality of holes there through with said base component's pins passing through each of their respective holes aligned therewith such that said identifier can be pressed onto said base component's pin array;
- c) means for ensuring proper orientation and alignment of said identifier's plurality of holes with respect to said array of fixed pins prior to said identifier being pressed onto said pin array.
- d) means for determining specific identifiers by comparing communicated locations of each of said detected pins with locations of known identifiers stored in a database. Litwiller et al. (U.S Patent 6696970) is however silent on claiming a pin detector associated with at least one hole in the identifier for the detection of the aligned pin passing there through with each configuration of holes having pin detectors

Art Unit: 2635

associated therewith being unique to each identifier along any single pin's vertical axis and a communication means for communicating from the pin detector to the primary device that a pin passes there through. Litwiller et al. (U.S Patent 6696970) claimed a pin detector by having a plurality of pressure sensors for detecting the force applied to the tensioning means each pin and the sensor forms a communication means for communicating the downward force of the pin. The plurality of pressure sensors are therefore considered the functional equivalent to the pin detectors and provide a communication means for communicating that a pin passes through the corresponding hole. Therefore it would have been obvious to one of ordinary skill in the art to have a pin detector associated with at least one hole in the identifier for the detection of the aligned pin passing there through with each configuration of holes having pin detectors associated therewith being unique to each identifier along any single pin's vertical axis.

Regarding claim 2, claim 2 of Litwiller et al. (U.S Patent 6696970) is identical to claim 2 of the application.

Regarding claim 3, claim 3 of Litwiller et al. (U.S Patent 6696970) is identical to claim 3 of the application.

Regarding claim 5, part e of claim 1 claims of Litwiller et al. (U.S Patent 6696970) claims means for determining specific identifiers by comparing an array location of each pin and a range of pressure values sensed by each pressure sensor which implies that the each base component pin communicates information regarding its location to the primary component. Therefore it would have been obvious to one of ordinary skill in the art to base component's pins communicate to said primary device information regarding their location within the array of pins in order for the information to be compared with the location information stored in the database.

Regarding claim 7, claim 7 of Litwiller et al. (U.S Patent 6696970) is identical to claim 7 of the application.

Claims 4 and 6 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 1 of U.S. Patent No. 6696970 in view of Sutton et al. U.S Patent 4908597.

Regarding claims 4 and 6, Litwiller et al. (U.S Patent 6696970) claims at least one identifier having a plurality of holes there through such that the base component retractable pins pass through a set of the identifier holes but is silent on claiming the identifier comprises electronic circuitry so as to enable the communication of additional information and the pins are comprised of conductive material. One skilled in the art recognizes that the identifier form a connector with the base component. Sutton et al. in an art related multiple pin connector teaches a connector having electronic circuitry so as to communicate information between component and the pins inherently includes conductive material (col. 3 lines 38-62) in order to enable a plurality of component to be connected to a base component.

It would have been obvious to one of ordinary skill in the art for the identifier to comprise electronic circuitry so as to enable the communication of additional information in Litwiller et al. (U.S Patent 6696970) as evidenced by Sutton et al. because one skilled in the art recognizes that the identifier as claimed by Litwiller et al. (U.S Patent 6696970) forms a connector and with the base component and Sutton et al. teaches a connector having electronic circuitry so as to communicate information between component in order to enable a plurality of component to be connected to a base component.


Art Unit: 2635

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vernal U Brown whose telephone number is 703-305-3864. The examiner can normally be reached on 8:30-6:30 Mon-Thur.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Horabik can be reached on 703-305-4704. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Vernal Brown
June 24, 2004

MICHAEL HORABIK
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

